

Waste Compliance and Mitigation Program Staff Report
Solid Waste Facilities Permit Revision for the Salton City Solid Waste Site
SWIS No. 13-AA-0011
February 11, 2010

Background Information, Analysis, and Findings:

This report was developed in response to the Imperial County Local Enforcement Agency (LEA) request for Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit for the Salton City Solid Waste Site, SWIS No. 13-AA-0011, located in Imperial County, owned by Imperial County and operated by Burrtec Waste Industries, Inc. A copy of the proposed permit is attached. The report contains Waste Compliance and Mitigation Program (WCMP) staff's analysis, findings, and recommendations.

The proposed revised permit was received on December 21, 2009. Action must be taken on this permit no later than February 19, 2010. If no action is taken by February 19, 2010, the Department will be deemed to have concurred with the issuance of the proposed revised permit.

Proposed Changes

The following changes to the permit are being proposed:

	Current Permit (August 23, 2006)	Proposed Permit
Remaining Capacity	Page 1: Remaining capacity as of April 1, 2006 is estimated at 11,013 cubic yards net air space (refuse). This figure was obtained from Page 1-12 and Figure 3 of the December 2008 JTD, aerial survey in October 2005	Page 1: Remaining capacity as of July 1, 2009 is estimated at 346,700 cubic yards net air space (refuse). This figure was obtained from Imperial County Public Works Quarterly Solid Waste Report, physical site survey July 2008
CEQA Documentation Reference	The revisions to the SWFP and the amendments to the JTD are within the scope of the Salton City SWS project evaluated in the Initial Study/Negative Declaration, State Clearinghouse No. 2004101093, prepared and certified by Imperial County; Notice of Determination filed on August 16, 2006.	The revisions to the SWFP and the amendments to the JTD are within the scope of the Salton City SWS project evaluated in supporting documentation including an Initial Study/Negative Declaration, State Clearing House No. 2009081078; circulated on August 24, 2009; Notice of Determination for the CUP to operate the water well was filed on October 5, 2009.
JTD Amendments Reference	July 2000, February 2000, April 2006, December 2008	September 2009
Hours of Operation	7:00 a.m. to 4:00 p.m.	5:00 a.m. to 6:00 p.m. for site activities; 7:00 a.m. to 4:00 p.m. for the public
Days of Operation	Wednesday and Saturday (2 days a week; closed on designated holidays)	Tuesday through Saturday (5 days a week; closed on designated holidays)

	Current Permit (August 23, 2006)	Proposed Permit
Dust Control	Water truck hauls water from off-site	Install water well on-site
Site Facilities	Temporary truck trailer, portable toilet	Build scale house/office with restrooms on a septic tank and leach field
Permitted Waste Types	Agricultural, compostable material (greenwaste and yard trimmings), construction/demolition debris, dead animals, inert, mixed/municipal solid waste, and tires	Agricultural, compostable material (greenwaste and yard trimmings), construction/demolition debris, dead animals, inert, mixed/municipal solid waste, and tires
Recycling Activities	Cardboard, plastic, appliances, glass, plastic, and tires	Cardboard, plastic, appliances, glass, and tires; additionally, yard trimmings, construction/demolition debris (to be transferred), and e-waste (TV's, computers, monitors, fans, radios, etc.)
Grading Plan/ Maximum Elevation	Final Grading Plan is shaped like a lean-to; final elevation 15.5' above mean sea level	Final Grading Plan is tent shaped; Reconfiguration of the Final Grading Plan includes a plan for airspace reclamation in an area where final elevations specified in the current permit were exceeded; no change in final elevation (15.5' above mean sea level)
Estimated Closure Date	September 31, 2011	December 31, 2017
Daily Cover	Soil	Addition of Alternative Daily Cover to include greenwaste and tarps.

Findings:

Staff recommends concurrence with the issuance of the proposed revised permit. All of the required submittals and findings required by Title 27, Section 21685 have been made and the required CEQA findings have been made in support of concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Deputy Director with this Staff Report and are permanently maintained in the facility files maintained by the Waste Compliance and Mitigation Program.

CCR Title 27 Sections	Findings	
21685(b)(1) LEA certified complete and correct Report of Facility Information	The LEA provided the required certification on their permit submittal letter dated December 18, 2009.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	The LEA completed a Five Year Permit Review on May 10, 2006 and provided a copy to the Department on May 17, 2006.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste	The LEA submitted a proposed solid waste facilities	<input checked="" type="checkbox"/> Acceptable

CCR Title 27 Sections	Findings	
Facility Permit	permit on December 21, 2009.	<input type="checkbox"/> Unacceptable
21685 (b)(4)(A) or (B) Consistency with Public Resources Code 50001	The LEA, in their permit submittal package received on December 21, 2009, provided a finding that the facility is consistent with PRC 50001 and WCMP staff in the Jurisdiction Compliance and Audit Section found the facility is identified in the Countywide Siting Element as described in their memo dated January 12, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(5) Preliminary Closure/ Postclosure Maintenance Plans consistency with State Minimum Standards	WCMP staff in the Cleanup, Closure, and Financial Assurances Division found the Preliminary Closure/ Postclosure Maintenance Plans consistent with State Minimum Standards described in a letter from Scott Humpert, dated February 9, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(6)(A) Financial Assurances Documentation compliance	WCMP staff in the Cleanup, Closure, and Financial Assurances Division found the Financial Assurances Documentation in compliance as described in their memo dated January 28, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(6)(B) Operating Liability compliance	WCMP staff in the Cleanup, Closure, and Financial Assurances Division found the Operating Liability in compliance as described in their memo January 28, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7) Operations consistent with State Minimum Standards	WCMP staff in the Compliance, Evaluations, and Enforcement Division found that the facility was in compliance with all operating and design requirements during an inspection conducted on December 9, 2009. See compliance history below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) LEA CEQA finding	The LEA provided a finding in their permit submittal package received December 21, 2009 that the proposed permit is consistent with and supported by the existing CEQA documentation. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and or Meeting, Comments	The required informational meeting was conducted on November 19, 2009 at 3:00 p.m. at the Salton City Community Facilities district Office, 2098 Frontage Road, Salton City, CA 92275. Public comments were received and included in the application package along with responses to the comments. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA determination to support responsible agency's findings	The Department is a responsible agency under CEQA with respect to this project, a proposed revised solid waste facilities permit. WCMP staff have determined that the CEQA record can be used to support the Director's action on the proposed revised permit. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

The facility was inspected by WCMP staff in the Compliance, Evaluation, and Enforcement Division on December 9, 2009. One Area of Concern was noted for Permit Terms and Conditions PRC 44014(b) because the record indicates that the site survey (June 2009) conducted by the operator found cover soil had been placed/stockpiled above the approved final elevations of the landfill on the northeast portion of the disposal footprint.

An Area of Concern for PRC 44014(b) was noted by the LEA for all monthly inspections from May 20, 2009 through December 9, 2009 due to discovery that the permitted final elevation had been exceeded. No other compliance issues have been noted in 2009.

The LEA noted violations in 2008 which led to a Notice of Intent to List (2008-011376-NOI) issued on March 11, 2008 for Grading of Fill and Surfaces. Compliance was noted on June 18, 2008.

Also in 2008, the LEA noted violations which led to a Notice of Intent to List (2008-011344-NOI) issued on January 2, 2008 for Signs. Compliance was noted on February 16, 2008.

The LEA noted violations in 2007 which led to a Notice and Order (2007-011307-NOI) issued on July 5, 2007 for two issues: Report of Disposal Site Information and PRC 44044(a) - Significant Change. Both violations were noted to be in compliance on June 18, 2008.

Also in 2007, the LEA noted violations which led to a Notice of Intent to List (2007-011248-NOI) on March 6, 2007 for Report of Disposal Site Information. The site was listed on June 11, 2007 (2007-011306-LIS). Compliance was noted on June 18, 2008 and the site was taken off the list.

In 2005 the LEA noted violations that led to a Notice of Intent to List (2005-010990-NOI) on July 19, 2005 for two issues, Signs and Intermediate Cover. The LEA noted compliance on both issues on September 15, 2005.

Environmental Analysis

State law requires compliance with the California Environmental Quality Act either through the preparation, circulation and adoption/certification of an environmental document and mitigation reporting or monitoring program, or by determining that the proposal is categorically or statutorily exempt.

The Imperial County Public Works Department, acting as lead agency, has prepared an Initial Study/Negative Declaration, State Clearinghouse No. 2009081078, for their approval of a Conditional Use Permit for a proposed addition of an onsite water well. The environmental document also included all of the changes that are contained in the proposed permit revision in the project description. The document circulated on August 24, 2009; Notice of Determination for the CUP to operate the water well was filed on October 5, 2009. A prior Negative Declaration (SCH No. 2004101093) was prepared and certified by Imperial County in 2006; the Notice of Determination was filed on August 16, 2006. The California Environmental Quality Act record indicates no offsite cumulative environmental impacts.

The document circulated on August 24, 2009; Notice of Determination for the CUP to operate the water well was filed on October 5, 2009. The environmental document also included the proposed permit revision changes in the project description. A prior Negative Declaration (SCH No. 2004101093) was prepared and certified by Imperial County in 2006; the Notice of Determination was filed on August 16, 2006. The California Environmental Quality Act record indicates no offsite cumulative environmental impacts.

The project document availability, hearings, and associated meetings were adequately noticed and conducted consistent with the California Environmental Quality Act and Solid Waste Permit requirements.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the environmental document prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the Permit.

Department staff further recommends the Initial Study/Negative Declaration is adequate for the Department's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The Department's role as a Responsible Agency under CEQA is more limited than the County of Imperial's role as a Lead Agency in that a Responsible Agency may require changes in a project to lessen or avoid only the environmental effects of that part of the project it will carry out or approve, and may disapprove a project to avoid only the environmental effects of that part of the project it will carry out or approve.

Local Issues:

The California Environmental Quality Act record indicates no offsite cumulative environmental impacts. The project document availability, hearings, and associated meetings were extensively noticed consistent with the California Environmental Quality Act and Solid Waste Facilities Permit requirements. The site is over three miles from the rural residential community of Salton City. Census information for the Salton City zip code (92275) indicates that the surrounding population is not predominantly made up of minority groups, as 76.0% of the population is white. Additionally, 25.9% of the families in Census Tract 123.01 (which includes the Salton City zip code) were below the poverty level and 28.8% of the individuals in Census Tract 123.01 were below the poverty level. Staff has not identified any environmental justice issues related to this item. Staff finds the project and permit process to be consistent with Government Code Section 65040.12, as there has been fair treatment of people of all races, cultures, and incomes with respect to the proposed action being recommended above.

Public Comments:

The proposed permit revision was discussed at a public meeting held on November 19, 2009 from 3:00 PM to 4:00 PM at the Salton City Community Services District Office located at 2098 Frontage Road in Salton City. Sixteen people attended including ten members of the public.

The following is a summary of comments/questions and the LEA's or Operator's responses pertaining to the proposed project:

1) A letter was submitted to the LEA by Environmental Technology Group, which expressed interest in developing a waste-to-energy system at the landfill.

2) Frank Kent, a local resident, asked if the site would accept televisions and appliances. If so, would residents need to remove the Freon themselves, or would the operator do it?

Response: David Brischke, Burrtec Waste Industries, stated that both televisions and appliances, with or without Freon, are accepted at the landfill. Any appliances requiring the removal of refrigerants would be segregated and transported off-site for proper removal prior to recycling the metal. All white goods and electronic wastes will be recycled and not landfilled.

3) Debbie Kaye, attendee, asked for an elaboration on the need for air reclamation at the site.

Response: Lars Seifert, LEA, explained that Burrtec had recently completed an excavation and waste relocation project on another portion of the site before they assumed the operation of the site. During that process Burrtec found that 90% of the area was filled with dirt, with the remaining volume being waste. By conducting the reclamation project, Burrtec is estimating that they will be able to significantly increase the remaining capacity of the landfill.

4) Frank Kent, a local resident, asked if the landfill entrance road, from Highway 86 to the front entrance gate, would be repaved.

Response: Lars Seifert, LEA, explained that repaving had not been required as part of this permit revision and that the County of Imperial department of Public works was responsible for maintaining the existing road. Mr. Seifert called on Ed Delgado, an Analyst with the Department of Public Works who was in attendance, to provide any information he may have. Mr. Delgado stated that the Department is looking into the issue and that the process is being held up because a portion of the road lies across a piece of property not owned by the County. Mr. Delgado was going to forward this comment to his director.

5) Dave Erskirue, a local resident, applauded the revisions because it would help the surrounding communities alleviate illegal dumping in the area.

6) Debbie Kaye, attendee, asked if the weekly waste intake rate would increase with the change in days of operation. Also, she asked if the airport in the area would be affected and whether there could be a possibility of bird strike.

Response: Dave Brischke, Burrtec Waste, explained that the increase in operating days should not substantially increase the waste inflow rates. Residents and commercial haulers will now just have more days to dispose of waste and not everyone will have to go to the landfill on one of two days. Also, the area is not experiencing a large population increase, which directly impacts the amount of waste the landfill could receive.

Mr. Brischke said that potential impacts of the landfill to the airport were covered as part of the CEQA review certified by the Imperial County Planning Commission. As for the birds, Mr. Brischke and Mr. Seifert explained that the site has not had any violations or areas of concern pertaining to birds. Both confirmed that birds are rarely ever seen at the landfill. (LEA Note: The current landfill unit is located further than 5,000 feet from the Salton Sea Airport runway, which is used only by piston-type aircraft (Ref. 27 CCR 20270)).

Department Staff Actions:

PLEAS staff has worked with the LEA throughout the permit process by providing comments on permitting documents and attending public meetings where the project was discussed. Public workshops were held by the Department on January 11, 2010 and February 8, 2010, where the project was presented and the public was given opportunities to comment. CEQA, Financial Assurances, Joint Conformance Authority and Closure staff all reviewed the permit application package and conformance was found in each aspect.